

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 11/19/2001**Reference No.:** CB-102-2001**Proposer:** Hendershot**Draft No.:** 1**Sponsors:** Hendershot**Item Title:** An Ordinance allowing carry-out service for Pizza
Delivery Service in the C-S-C Zone

Drafter:**Resource** Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:**Date Presented:** __/__/__**Executive Action:** __/__/__**Committee Referral:** 10/16/2001 PZED**Effective Date:** 1/4/2002**Committee Action:** 11/7/2001 FAV**Date Introduced:** 10/16/2001**Public Hearing:** 11/19/2001 10:00 A.M.**Council Action:** 11/19/2001 ENACTED**Council Votes:** RVR:A, DB:A, JE:A, IG:A, TH:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**DATE:** 11/7/2001

Committee Vote: Favorable, 3-0 (In favor: Council Members Shapiro, Wilson and Estep).

Committee staff summarized the purpose of the bill and the referral comments that were received. The legislation amends the Commercial Use Table concerning pizza delivery service to allow carryout service and to increase the square footage limitation from 2,200 square feet to 2,500 square feet in the C-S-C Zone. Pizza delivery service, unrestricted in size but with no carryout service, is permitted in the C-M Zone.

The Planning Board supports CB-102 and provides the following comments. Legislation permitting pizza delivery service was enacted in the 1980s, with a limitation to off-premises delivery and prohibitions on eat-in and carryout service. The limitations were intended to address the District Council's concerns with traffic that could be generated by allowing more than off-premises delivery.

Since the initial legislation, pizza delivery services in general have accumulated more carryout business, and CB-102 is intended to accommodate that change in the nature of pizza delivery services in the C-S-C Zone. The gross floor area limitation is designed to prevent a larger pizza delivery service from encouraging more carryout business and significantly increasing traffic.

The County Executive takes no position on CB-102. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-102.

Richard Reed, representing Team Washington, spoke in support of the legislation indicating that the bill is intended to bring the law in conformance with reality since many existing pizza delivery services are currently providing carryout service as well. Mr. Reed also indicated that the amendment to the Ordinance should not result in traffic problems because it should not create additional trips because these trips are generally already on the road, especially during the peak hours, when patrons are using the carryout service on their way home from work.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The Zoning Ordinance allows Pizza Delivery Service in the C-S-C Zone provided the use is limited to off-premises delivery with no eat-in, drive-in, or carry-out service and with less than 2,200 square feet of gross floor area. This use is also permitted in the C-M Zone with no size restrictions.

This legislation allows carry-out service for Pizza Delivery Service in the C-S-C Zone provided the use is located in a building with less than 2,500 square feet of gross floor area.

CODE INDEX TOPICS: